

BOARD OF FORESTRY AND FIRE PROTECTION

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September 2, 2008

Re: "Threatened or Impaired Watersheds Rule Review": schedule and activities

Dear Stakeholders:

The State Board of Forestry and Fire Protection's (Board) review of the California Forest Practice Rules related to protection of watersheds with anadromous salmonid species, termed the "Threatened or Impaired Watershed Rules" (T/I rules), is continuing at the September, October and November Board meetings. The review began in April 2008 and is planned to be completed by March, 2009. Below are highlights of the activities occurring over the next few months:

- 1) Presentation by Sound Watershed Consulting of the completed "Scientific Literature Review on Forest Management Effects on Riparian Function in Anadromous Salmonid Fisheries";
- 2) A Technical Expert Forum (TEF) discussing results of the literature review; and
- 3) Monthly consideration of "Key Questions" (previously submitted to agencies, committees, and stakeholders) which are being used to evaluate potential amendments to specific rule sections.

Enclosed are the activity dates (page 2), draft agendas for the literature review presentation and the TEF (pages 3-5), and Key Questions issued by the FPC (pages 6-22). Other documents that may assist you in preparing for these activities can be found at http://www.fire.ca.gov/CDFBOFDB/board/board_proposed_rule_packages.aspx. (see Threatened or Impaired Watersheds (T/I) Regulatory Review, 2008)

Sincerely,

Christopher Zimny
Regulations Coordinator

Enclosures

**Anticipated dates of BOF T/I Review activities
(August 18 to November 4, 2008)**

<u>Date/Time</u>	<u>Activity</u>	<u>Meeting Topics</u>
September 4 10:00 to 4:00	TAC Conference Call (916) 651-0975	Review of draft Wood Function and “synthesis” Literature Review contract products.
September 8 10:00 am to 3:00 PM Sacramento	FPC T/I Review meeting	Review of Group 2 (Geographic Scope) and Group 4 (Water Drafting and Roads) rule sections; Review responses to Key Question #s 52- 57 and 112 -130.
September 9 8:00 am to 12:00 pm Sacramento	FPC T/I Review meeting	Review of Group 1 (Goal/Intent – Definitions) and Group 3 (Cumulative Impacts) rule sections; Review draft regulatory “strawman”; Review Key questions # 1 -51 and 61 – 72.
September 19	SWC submits final lit review products to BOF staff	n/a
September 22	Staff posts/distributes final SWC lit review.	n/a
September 25 10:00 am to 12:00 pm	TAC Conference Call	TAC responses to Group 1, 2, 3 and 4 T/I rules questions; Discussion of TAC role in TEF.
October 6 10:00 am to 3:00 pm Sacramento	FPC T/I Review meeting	Review of Group 4 (Logging Operations) rule sections and responses to Key Question #s 73 -111
October 7 8:00 am to 12:00 pm Sacramento	FPC T/I Review meeting	Review of Group 4 (Water Drafting and Roads) and Group 2 (Geographic Scope) rule sections and responses to Key Question #s 52- 57 and 112 -130
October 8 9:00 am to 11:00 am--	SWC Presents Lit. Review to BOF	Presentation by Sound Watershed Consulting of completed literature review contract to full Board
October 23 10:00 am to 3:00 pm Sacramento	Technical Expert Forum	Discussion by Invited Experts, TAC, Board and public on literature review findings.
November 3 10:00 am to 3:00 pm Sacramento	FPC T/I Review meeting	Review of Group 4 (Logging Operations) rule sections and responses to Key Question #s 73 -111
November 4 8:00 am to 12:00 pm Sacramento	FPC T/I Review meeting	Review of Group 4 (Logging Operations) rule sections and responses to Key question #s 73 -111

Agenda

Scientific Literature Review on Forest Management Effects on Riparian Function in Anadromous Salmonid Fisheries

Presentation by Sound Watershed Consulting

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Mike Liquori - Principal
Sound Watershed Consulting

Creating Functional Water Environments

Wednesday October 8, 2008, 9:00 am to 12:00 pm
State Board of Forestry and Fire Protection.

- 1) Introduction of agenda item and preview of sequence of presentation.(Staff)
- 2) Welcome and opening comments, TAC Chair Gary Nakamura
- 3) Overview of Threatened or Impaired Forest Practice Rules Review Process and Literature Review contract (staff)
- 4) Sound Watershed Consulting presentation
 - a. Contractor and team introductions
 - b. Methods used by contractor to do tasks (primer review, additional literature search, key question answers, synthesis (including policy inference).
 - c. How to read report
- 5) Break (10:00)
- 6) Sound Watershed Consulting presentation
 - a. Presentation of findings for each riparian exchange function
 - b. Presentation of executive summary of "Synthesis " and "Inferences for Forest Management"

Agenda
Technical Expert Forum (TEF)

**Scientific Literature Review on Forest Management Effects on Riparian Function
in Anadromous Salmonid Fisheries**

Thursday October 23, 2008, 10:00 am to 3:00 pm
State Board of Forestry and Fire Protection.

- 1) Overview of agenda for meeting, TEF purpose, and Sound Watershed Consulting (SWC) literature review products (Staff)
- 2) Introduction of scientists central to TEF: SWC, Board's Technical Advisory Committee (TAC) and Invited Science Experts.
- 3) Discussion and presentations from TAC
- 4) Discussions and presentations from Science Experts
- 5) Lunch
- 6) Questions/statements from Board members
- 7) Question/statements from public
- 8) Staff close out comments/next steps Adjourn

Forest Practice Committee (FPC) direction on Technical Expert Forum (8/5/08)

Technical Expert Forum: The FPC determined the need for a public meeting to have outside experts and the public discuss the results of the scientific literature review of forest management affects on riparian functions in anadromous salmonid fisheries. This meeting is termed the “Technical Expert Forum” (TEF). The TEF will provide the opportunity for invited experts to provide their prospective on the literature review and its findings. It will also provide an opportunity for the public to voice their prospective and ask questions of the Sound Watershed Consulting (SWC), the contractors who conducted the literature review. The primary goal of the TEF will be to have outside scientists and the public identify strengths and weaknesses of the existing science and areas of agreement/disagreements with the literature review findings.

The FPC decided the TEF presentation will be held on October 23, 2008. Other direction from the FPC on the TEF includes:

- 1). Solicit and consolidate public and Board member questions for the SWC contractors in advance of the meeting. The questions will be requested from the public, other experts and Board members, and be limited to the literature review process and science findings and conclusion in the report. Staff will catalog questions for the contractor in advance of TEF.
- 2) The FPC is requesting that the entire SWC team of scientists attend the meeting and be available for questions. No formal presentations from SWC is requested.
- 3). The FPC has requested the Board’s appointed Technical Advisory Team (TAC) be involved in providing their perspective on the literature review and its findings. The TAC may provide a consensus discussion or individual members may independently comment as a separate science experts representing themselves or their affiliation.
- 4) Experts (not associated with the TAC or SWC) will be contact by staff regarding their interest in providing commentary on the literature review findings. Staff will solicit interest from a previously developed list of appropriate experts (the list used to appoint TAC members in July 2006). Staff will review the list of scientists who express interest in participating in the forum with TAC Chair Gary Nakamura, and the Chair will select scientists who will be formally presenting at the TEF. A total number of six scientists will be targeted and persons each allocated 15 minutes. The FPC will also accept written comments from appropriate scientist who are not attending the TEF.
- 5) Science experts providing new literature should submit these to the Board. The SWC contractors are not expected to respond to newly cited literature or literature not included as part of the contract. Science experts critiquing SWC literature review or making other definitive science statements are encouraged to cite the basis of their comments.
- 6) New papers or information presented at the October 23, 2008 Technical Expert Forum will be taken into consideration by the Board, but there is no expectation or obligation on the part of the contractor to consider this new information.

T/I Rule Review – Key Questions

(Group # 1 Intent/Goals -Definitions) cz 7/18/2008

Review Assignments					
Key question number	FPR Rule Sec.	Title or Subject	Review Issues	Key Questions	Assigned Review Group
1	§ 895.1	Definitions	Consistency with BOF policy	Do the definitions still apply?	BOF Staff/FPC
2	§ 895.1	Definitions	Clarity and organization	Are any definitions ambiguous, not clear?(ref: L12-1)	BOF Staff/FPC
3	§ 895.1	Definitions	Clarity and organization	Should definitions be limited to describing a term and not include the level of consideration that the term should be afforded?(ref: L6-2, L6-4)	BOF Staff/FPC
4	§ 895.1	Definitions	Consistency with other agency policies and laws	How do definitions, specifically the "watersheds with threatened or impaired values" definition, appropriately reflect relationship between TMDL impairment listings and CESA listing?(ref: L12-1)	BOF Staff/FPC Agencies
5	§ 895.1	Definitions	Consistency with other agency policies and laws	Should the road decommissioning definition (adopted in coho rules 2007) to add the phrase "to the extent feasible" and what is the legal or policy basis for this? (ref: L12-1)	BOF Staff/FPC Agencies CAL FIRE
6	§ 895.1	Definitions	Consistency with other agency policies and laws	Does the "watersheds with threatened or impaired values" definition reflect geographic scope consistent with your agency's laws and policies?	Agencies
7	§ 895.1	Definitions	Science basis	Should "channel zone" definition delete bankfull stage, and floodplain references? (ref L6-3)	TAC/Science experts
8	§ 895.1	Definitions	Science basis	14CCR916.2 Subsection (a)(3) specifies that protection of riparian habitat. Given this is an undefined term, how far from the wetted channel does this extend? (ref L6-14)	TAC/Science experts
9	§ 916 [936, 956]	Intent of Watercourse and Lake Protection		Review for appropriate policy.	BOF Staff/FPC
10	§ 916 [936, 956]	Intent of Watercourse and Lake Protection	Consistency with BOF policy and FPA	Is term "providing equal consideration" as a goal for beneficial use protection consistent with the Forest Practice Act? (ref L5-2)	BOF Staff/FPC Board legal
11	§ 916 [936, 956]	Intent of Watercourse and Lake Protection	Consistency with BOF policy and FPA	Is term "potentially significant adverse" consistent with definition on page 16 of the FPR? (ref L5-2)	BOF Staff/FPC Board legal
12	§ 916 [936, 956]	Intent of Watercourse and Lake Protection	Consistency with BOF policy, FPA, and other agency policies and laws	Should term at "native aquatic and riparian species" be defined for clarity of intent and if so, what should the definition be? What is the legal, policy, or science basis for this? (L6-5)	BOF Staff/FPC CAL FIRE Agencies

Key question number	FPR Rule Sec.	Title or Subject	Review Issues	Key Questions	Assigned Review Group
13	§ 916 [936, 956]	Intent of Watercourse and Lake Protection	Consistency with BOF policy, FPA, and other agency policies and laws	Is the term "feasible measures", as used in the Forest Practice Rules, consistent with the phrase "maintain where they're in good condition, protect where they are threatened and insofar as feasible, restore where they are impaired"? In the same phrase does the term threatened and impaired mean dictionary or legal definition? From your agency's perspective, what is the legal, policy, or science basis for this? (ref L6-6)	BOF Staff/FPC CAL FIRE Agencies board legal
14	§ 916 [936, 956] (b)(1)	Intent of Watercourse and Lake Protection	Consistency with BOF policy, FPA, and other agency policies and laws	Does the stated prohibition from discharge that could affect beneficial functions of riparian zones expand and be inconsistent with requirements under §916.3? From your agency's perspective, what is the legal, policy, or science basis for this? (ref L6-7)	BOF Staff/FPC CAL FIRE Agencies board legal
15	§ 916 [936, 956] (b)(1) and (2)	Intent of Watercourse and Lake Protection	Consistency with BOF policy, FPA, and other agency policies and laws	Is the term or approach of using "deleterious quantities" consistent with all water board regulatory standards? Is use of this term an appropriate standard consistent with other agency laws and policies? Does the deleterious quantities approach applied to removal of water, trees or woody debris from a riparian area meet all agency's policy and legal considerations? Does this standard expand upon what is legally required?(ref L6-7, L6-8, L6-10)	BOF Staff/FPC CAL FIRE Agencies board legal
16	§ 916 [936, 956] (c)	Intent of Watercourse and Lake Protection	Consistency with BOF policy, FPA, and other agency policies and laws	Does the requirement for equal consideration as a management objectives with respect to protecting and restoring native aquatic riparian associate species and the beneficial functions of the riparian zone expand upon the equal consideration standard in §916 which is limited to beneficial use of water? Does this standard expand upon what is legally required? (ref L6-9, L6-10)	BOF Staff/FPC CAL FIRE Agencies board legal
17	§ 916.2 [936.2, 956.2]	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with BOF policy, FPA, and other agency policies and laws	Should application of protection measures (based on conditions of resource values) be expanded to appurtenant roads, including those roads outside of the watershed or outside of the THP boundary? From your agency's perspective, what is the legal, policy, or science basis for this? (ref L6-11)	BOF Staff/FPC CAL FIRE Agencies Board legal
18	§ 916.2 [936.2, 956.2]	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with BOF policy and CEQA	Should terminology stating "potentially significant adverse impacts" be changed to "significant adverse impacts to the environment" for consistency with existing definitions in the Forest Practice Rules? Ref L6-12, L6-5). To what extent should the threatened or impaired rule language precisely use CEQA guideline terminology?	BOF Staff/FPC Board legal

Key question number	FPR Rule Sec.	Title or Subject	Review Issues	Key Questions	Assigned Review Group
19	§ 916.2 [936.2, 956.2]	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with other agency policies and laws	What should be the basis for determining where values need to be restored? Is the term "where needed" too vague? Should language used in section 916 be used instead? From your agency's perspective, what is the legal, policy, or science basis for this? (ref L12-3)	BOF Staff/FPC Agencies
20	§ 916.2 [936.2, 956.2]	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with FPA and other agency policies and laws	Do requirements for achieving goals of restoration exceed CEQA requirements, functional certification, and Forest Practice Act? (ref L5-3)	Board legal
21	§ 916.2 [936.2, 956.2] (a)(1)	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with BOF policy, FPA, and other agency policies and laws	Do protection measures for restorable quality of beneficial uses of water go beyond water quality control plan requirements for existing and potential beneficial uses? From your agency's perspective, what is the legal, policy, or science basis for this?(ref L6-13)	Board legal Agencies
22	§ 916.2 [936.2, 956.2](b)	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with BOF policy, FPA, and other agency policies and laws	Should the term "minimum protection measures" be replaced with term "standard protection measures"? Use of the term minimum implies rules can only be increased and not decreased. Is this consistent with board policies, Forest Practice Act and other agency laws and policies? (L6-15, L12-3a)	Board legal Agencies
23	§ 916.2 [936.2, 956.2] (a)(2)	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with BOF policy, FPA, and other agency policies and laws	What should be CAL FIRE role in the process of determining restorability on plans where plan submitter and DFG have different views of restorability on a particular THP? What is the legal or policy basis for your agency's perspective? (ref L12-3a)	CAL FIRE Agencies/DFG BOF Staff/FPC
24	§ 916.2 [936.2, 956.2](b)	Protection of the Beneficial Uses of Water and Riparian Functions	Consistency with BOF policy, FPA, and other agency policies and laws	Should the term "minimum protective measures" be deleted since the classifications are used to determine the appropriate protection measure, not just minimums? What is the legal or policy basis for your agency's perspective?(ref L12-3a)	Board legal Agencies CAL FIRE
25	§ 916.9 [936.9, 956.9] (a)	Protection and Restoration in Watersheds with Threatened or Impaired Values		Review for appropriate policy.	BOF Staff/FPC
26	§ 916.9 [936.9, 956.9] (a))	Protection and Restoration in Watersheds with Threatened or Impaired Values	Consistency with BOF policy Science basis	This section establish standards for conduct including compliance with the sediment TMDLs, no measurable decrease in stability of channels, no blockage of migratory routes, no measurable stream flows reductions during water drafting, protection of snags and down logs in riparian zone, and vegetative canopies for shading. Are these appropriate indicators of no significant impact to listed fisheries?	TAC

Key question number	FPR Rule Sec.	Title or Subject	Review Issues	Key Questions	Assigned Review Group
27	§ 916.9 [936.9, 956.9] (a))	Protection and Restoration in Watersheds with Threatened or Impaired Values	Science basis	Have threatened or impaired rules created unintended consequences to biodiversity specifically to terrestrial wildlife species by retaining dense buffer strips? What is the science or policy basis for your agency's perspective?(ref L3-4, L4-6)	TAC Agency/DFG
28	§ 916.9 [936.9, 956.9] (a))	Protection and Restoration in Watersheds with Threatened or Impaired Values	Science basis	Has any monitoring been conducted related to effect on non-salmonid species due to implementation of the T/I rules and if so what are the finding and scientific robustness of the monitoring information? (ref L4-6)	TAC Agency/DFG MSG/IMMP
29	§ 916.9 [936.9, 956.9] (a))	Protection and Restoration in Watersheds with Threatened or Impaired Values	Science basis Consistency with BOF policy and other agency policies and laws	How should selection harvesting or other restoration practices promoting habitat conditions for non-salmonid species be considered? Should selection harvesting be permitted in riparian zones for purposes of improving habitat for other species? What is the legal, policy or science basis for your agency's perspective?(ref L4-6)	TAC Agencies MSG/IMMP
30	§ 916.9 [936.9, 956.9] (a))	Protection and Restoration in Watersheds with Threatened or Impaired Values	Science basis Consistency with BOF policy and other agency policies and laws	Are the existing goals relevant to achieving conditions directly affected by forest regulation? To what extent should Forest Practice Rules contribute to larger agency goals of meeting the TMDL requirements or species recovery requirements? (ref L11-1)	TAC Agencies BOF Staff/FPC
31	§ 916.9 [936.9, 956.9](9 16.9 (a)(1)	Protection and Restoration in Watersheds with Threatened or Impaired Values	Science basis Consistency with BOF policy and other agency policies and laws	How have threatened or impaired rule compliance met or not met TMDL requirements? (ref L8-1)	CAL FIRE Agencies/WBs MSG/IMMP
32	§ 916.9 [936.9, 956.9](9 16.9 (a)(1)	Protection and Restoration in Watersheds with Threatened or Impaired Values	Consistency with BOF policy, FPA, and other agency policies and laws	In watersheds that do not have adopted TMDLs, must operations be planned so they do not result in any measurable sediment load increase to a watercourse or lake? If so, this standard is greater than for watercourses within adopted TMDLs, which permit a specified sediment load increase. What is the policy or legal basis for your agency's perspective on this? (ref L12-4)	Agencies/WBs CAL FIRE

Key question number	FPR Rule Sec.	Title or Subject	Review Issues	Key Questions	Assigned Review Group
33	§ 916.9 [936.9, 956.9](9 16.9 (a)(1)	Protection and Restoration in Watersheds with Threatened or Impaired Values	Consistency with BOF policy, FPA, and other agency policies and laws	Should T/I rules in watersheds without a TMDLs be designed to be consistent with 303(d) goals? What is the policy or legal basis for your agency's perspective on this? Because T/I rules have a goal of preventing deleterious interference and TMDL/303(d) requires restoration, T/I rules are not consistent at 303(d) goals. (ref L16-1)	Agencies/WBs CAL FIRE BOF Staff/FPC board legal
34	§ 916.9 [936.9, 956.9](9 16.9 (a)(1)	Protection and Restoration in Watersheds with Threatened or Impaired Values	Consistency with BOF policy, FPA, and other agency policies and laws	Should threatened or impaired rules be required to restore conditions and comply with adopted TMDLs? What is the legal basis for requiring restoration through the threatened or impaired rules? (ref L17-1)	Agencies/water board CAL FIRE BOF Staff/FPC board legal
35	no specific rule section (Intent - Rule Group 1)		Clarity and organization	What it is a more functional organization for the threatened or impaired rules such as assembling similar rules or using road rule committee suggestions for organization? (ref L4-9)	BOF Staff/FPC CAL FIRE Road rule committee
36	no specific rule sec (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Should a more site-specific approach be developed for rule requirement, as opposed to one-size-fits-all? What is the legal, policy, or science basis for your agency's perspective? (ref L3-2, L4-12, L5-1)	BOF Staff/FPC Agencies
37	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Should watershed based condition assessments that focus on find it and fix it solutions be an alternative rule structure versus the prescriptive set of existing rules? Should performance-based rules be developed as an option to prescriptive rules?(ref L3-2, L4-12, L5-1)	BOF Staff/FPC
38	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Is there overlap with how definitions related to beneficial functions are linked to general policy considerations in §916 and §916.2.? What is the science, policy or legal basis for this? (ref L6-1)	BOF Staff/FPC Agencies
39	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Should rules state that small contributions to pre-project cumulatively considerable adverse conditions be avoided, minimized or mitigated? What is the legal, policy, or science basis for your agency's perspective?(ref L7-5)	BOF Staff/FPC Agencies TAC
34	§ 916.9 [936.9, 956.9](9 16.9 (a)(1)	Protection and Restoration in Watersheds with Threatened or Impaired Values	Consistency with BOF policy, FPA, and other agency policies and laws	Should threatened or impaired rules be required to restore conditions and comply with adopted TMDLs? What is the legal basis for requiring restoration through the threatened or impaired rules? (ref L17-1)	Agencies/water board CAL FIRE BOF Staff/FPC board legal

Key question number	FPR Rule Sec.	Title or Subject	Review Issues	Key Questions	Assigned Review Group
40	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Should a 303(d) listed waterbodies or CESA listed species elevate the goal of restoring the listed entity above the goal of maximizing sustainable timber production per the FPA? Should such listings require evidence from project proponent for clearly demonstrating contribution towards recovery or conserving the listed entity? What is the legal, policy, or science basis for your agency's perspective? (ref L16-2, L16-3)	BOF Staff/FPC Agencies board legal
41	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	What is the legal or policy basis for corrective or restoration actions being required on non-TMDLs water bodies which are approaching listings? Should separate corrective or restoration actions related to or separate from THP implementation be conducted by the BOF? (ref L16)	BOF Staff/FPC Agencies board legal
42	no specific rule section (Intent - Rule Group 1)		Science basis Consistency with other agency policies and laws	What is the science basis for assertion that Class II watercourses do not meet North Coast Regional Water Quality Control Board temperature and TMDLs? (Ref 17-5)	BOF Staff/FPC Agencies TAC
43	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	What is the legal or policy basis for watershed restoration in 303(d) listed watersheds being on par or superseding maximum sustainable production mandates of the Forest Practice Act? (ref17-7)	BOF Staff/FPC Agencies board legal
44	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Do existing goals and intent sections of the T/I rules exceed Forest Practice Act, CEQA, or APA requirements? Specifically do the threat nor impaired rule goals exceed the "equal consideration" reference of the Forest Practice Act (ref 18-1, 18-2,18-4)	BOF Staff/FPC board legal
45	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Do existing threatened or impaired goals exceed board policy (310.4) related to "due consideration" to other resource values or exceed Forest Practice Act under PRC 4512 (c)" giving considerations to the public's need for watershed protection"? (ref 18-6, 18-2,18-7, 18-8, 18-9)	BOF Staff/FPC board legal
46	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	CEQA guidelines for functional certification require enabling legislation for regulatory programs to contain authority for protection of the environment. Do other agency laws or policies that require more than protection of environment supersede CEQA guidelines? (ref 18-10)	BOF Staff/FPC Agencies board legal
47	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	The Administrative Procedures Act requires regulations be adopted within the scope of authority prescribed by certain laws (the FPA for T/I rules). Are APA project impact mitigation requirements per GC 11340(d) exceeded by T/I rules? (ref 18-12 and 18.12a, 18-13, 18-14, 18-15, 18-16)	BOF Staff/FPC Agencies board legal

Key question number	FPR Rule Sec.	Title or Subject	Review Issues	Key Questions	Assigned Review Group
48	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	The APA requires consideration of performance standards. Should performance standards be established to meet other agency goals beyond the Forest Practice Act?(ref 18-13, 18-14, 18-15, 18-16)	BOF Staff/FPC Agencies board legal
49	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Does the achievement of other agency goals such as implementing restoration requirements, exceed regulatory functional certification requirements, where a regulation shall not be approved or adopted if there are feasible alternatives or mitigations available (PRC21080.5).(ref L18-13, 18-14, 18-15, 18-16, 18-18)	BOF Staff/FPC Agencies board legal
50	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	Do the threatened impaired rules exceed Fish and Game code requirements to mitigate impacts (FGC 2081)? Specifically, take permits may be authorized when measures to meet the permit are roughly proportional to the extent of the impact and measures required shall maintain the applicant objectives to the greatest extent possible. (ref L18-19, 18-20)	BOF Staff/FPC Agencies board legal
51	no specific rule section (Intent - Rule Group 1)		Consistency with BOF policy and other agency policies and laws	What are the limiting factors regional water board consider when adopting a TMDL? Did the water boards engage the BOF during the adoption and implementation of TMDLs strategies? (ref L18-21, 18-22)	BOF Staff/FPC Agencies board legal CALFIRE
(Group # 2 Geographic Scope and Plan Content) cz 7/18/2008					
			Review Assignments		
Key question number	FPR Rule Sec.	FPR Title or general subject	Review Issues	Key Questions	Assigned Review Group
52	no specific rule section	Geographic Scope	Science basis	The Scientific Review Panel report that provided the basis for this rule package emphasized its applicability only in coastal areas, yet the rules are applied to inland regions as well. Are the T/I rules appropriate for all geographic locations where listed species are found? Should rules be specific for inland regions of the state? (ref L3-1; L3-3)	TAC Agencies CAL FIRE
53	no specific rule section	Geographic Scope	Consistency with other agency policies and laws	What is the science or a demonstrated problem with operations in the Southern Subdistrict requiring the need of the operational specificity of T/I rules? Many watersheds on the Central Coast of California meet the T/I geographic scope, however, the prescriptive measures called for in the rules are not tailored to the light-touch single-tree selection harvesting, with low-key road infrastructure, that leaves an intact forest from the creek to the ridge top. Should these silvicultural and forest operational practices be subject to a different, less restrictive, set of statewide prescriptive regulation? (L4-1; L4-3)	Agencies CAL FIRE

54	§ 895.1	Definitions	Consistency with other agency policies and laws	Does the "watersheds with threatened or impaired values" definition reflect geographic scope consistent with your agency's laws and policies?	Agencies
55	no specific rule section	Geographic Scope	Science Basis Consistency with other agency policies and laws	Currently, the "threatened" component of the T/I rules is only applied if a portion of a planning watershed contains threatened, endangered, or candidate species under the Endangered Species Act, or can be restored to the point that these species can access the watershed (i.e., removing artificial barriers). As a result, "non-restorable" planning watersheds within the same drainage basin, but wholly outside the anadromous zone, do not receive any T/I rule protection. Should some aspects of the T/I rules be applied to upstream planning watersheds that are completely outside the anadromous zone because watercourses "integrate watershed processes and translate natural and anthropogenic disturbances downslope through the landscape" (Buffington et al., 2003) , and successful restoration requires that watershed processes and linkages be considered? (ref L14-1, L16-4, L17-2)	TAC Agencies CAL FIRE
56	no specific rule section	Geographic Scope	Science basis Consistency with other agency policies and laws	The current T/I Rule protection measures for Class I watercourses likely meet the protection requirements for North Coast temperature TMDLs when applied throughout the impaired watershed. Application only to the limit of anadromy is not fully protective. What is the science, legal or policy basis this? (ref L17-4)	TAC Agencies CAL FIRE
57	no specific rule section	Geographic Scope Cumulative impacts analysis	Science Basis Consistency with other agency policies and laws	To be responsive to the potential for cumulative effects, the spatial scale of applicability of the TI rules must expand beyond a T/I watershed area to consider T/I rules in those "non-TI" watersheds that flow into a "T/I" watershed. What is the science, legal or policy basis this? (ref L17-3).	TAC Agencies CAL FIRE
58	no spec	Plan Prep	Consistency with other agency policies and laws	Specific inadequacies in plan preparation/THP approval process have been identified in the Federal Register as part of a federal ESA species listing procedure. These include dependence upon RPFs that may not possess the necessary level of multidisciplinary technical expertise to develop THPs protective of salmonids. Does this situation still exist and what are the science or other technical information supporting the statements?(ref L15-3)	Agencies CAL FIRE
59	no specific rule section	Plan Prep	Consistency with other agency policies and laws	Specific inadequacies in plan preparation/THP approval process have been identified in the Federal Register as part of a federal ESA species listing procedure. These include dependence by CDF on other State agencies to review and comment on THPs. Does this situation still exist and what are the science or other technical information supporting the statements? (ref L15-4)	Agencies CAL FIRE

60	no specific rule section	Plan Prep	Consistency with other agency policies and laws	Specific inadequacies in plan preparation/THP approval process have been identified in the Federal Register as part of a federal ESA species listing procedure. These include failure by CDF to incorporate recommendations from other agencies, inadequate enforcement due to staff limitations, and inadequate Timber Harvest Plan preparation, review, implementation, and validity. Does this situation still exist and what are the science or other technical information supporting the statements? (ref L15-9)(ref L15-5)	Agencies CAL FIRE
(Group # 3 Cumulative Impacts, Section 898 and 916.9(b)) cz 7/8/2008					
Key question number	FPR Rule Sec.	FPR Title or general subject	Review Issues	Key Questions	Assigned Review Group
61	898; 916.9(b)	Cumulative Impacts	Science Basis; Consistency with other agency policies and laws	To be responsive to the potential for cumulative effects, the spatial scale of applicability of the T/I rules must expand beyond a T/I watershed area to consider T/I rules in those "non-T/I" watersheds that flow into a "T/I" watershed. Should cumulative impacts analysis consider upstream areas of planning watersheds that are completely outside the anadromous zone? What is the legal, policy, or science basis for your perspective? (Ref: L14-2, L17-3)	TAC Agencies CAL FIRE
62	898; 916.9(b)	Cumulative Impacts	Science Basis; Consistency with other agency policies and laws	Is there adequate guidance for cumulative impact assessment and effective cumulative impacts mitigation in the T/I rules or the FPRs in general. What is the legal, policy, or science basis for your perspective? (Ref: L7-1, L15-2))	TAC Agencies CAL FIRE
63	898; 916.9(b)	Cumulative Impacts	Science Basis; Consistency with other agency policies and laws	Do the T/I rules or the FPRs in general provide adequate guidance and effective mitigation for addressing cumulative sediment effects associated with roads? What is the legal, policy, or science basis for your perspective? (Ref L7-3).	TAC Agencies CAL FIRE
64	898; 916.9(b)	Cumulative Impacts	Science Basis; Consistency with other agency policies and laws	Do the T/I rules or the FPRs in general provide adequate guidance and effective mitigation for addressing cumulative sediment effects as related to rate of harvest, which is related to watershed resiliency to stressing storms? What is the legal, policy, or science basis for your perspective?(Ref L7-4, L15-7).	TAC Agencies CAL FIRE
65	898; 916.9(b)	Cumulative Impacts	Science Basis; Consistency with other agency policies and laws	Should the T/I rules or the FPRs in general develop a disturbance index reflecting cumulative sediment effects and a watershed's resiliency to stressing storms? What is the legal, policy, or science basis for your perspective? (Ref L7-4).	TAC Agencies CAL FIRE
66	916.9(b)	Cumulative Impacts	Science Basis; Consistency with other agency policies and laws	Should rules state that small contributions to pre - project cumulatively considerable adverse conditions be avoided, minimized or mitigated? What is the legal, policy, or science basis for your perspective?(ref L7-5)	TAC Agencies CAL FIRE
67	916.9(b)	Cumulative Impacts	Consistency with other agency policies and laws	Section 916.9(b) has a connection to regular requirements in Section 916.4, including notably Section 916.4(a)(2-6). Are these two section duplicative, inconsistent, or unclear, or not providing adequate information for assessing impact? What is the legal, policy, or science basis for your perspective? (Ref: L8-2)	Agencies CAL FIRE

68	916.9(b)	Cumulative Impacts	Consistency with other agency policies and laws	Code Section – 916.9 (b)[936.9(b), 956.9(b)] Are there private information disclosure issues on part of plan preparing RPFs related to implementing this section? (Ref L9-6)	CAL FIRE
69	916.9(b)	Cumulative Impacts	Consistency with other agency policies and laws	Code Section – 916.9 (b)[936.9(b), 956.9(b)] Because a plan located within a T&I watershed can likely be assumed to have adverse cumulative watershed effects on anadromous salmonid species, why should the plan acknowledge or refute such conditions? Should this section be removed in its entirety? Since timber operations cannot offset all impacts that adversely affect salmonids, should this section be modified to reflect the ability of the timber operation to reduce adverse effects? (Ref: L9-6)	Agencies CAL FIRE
70	898; 916.9(b)	Cumulative Impacts	Consistency with other agency policies and laws	Should timber harvest proposed in non-T/I planning watersheds that drain to T/I watersheds explicitly assess the potential for cumulative impacts that could occur in downstream areas as a result of proposed timber operations? Do the existing T/I rules or other FPR sections adequately require this assessment? (Ref L14-2)	Agencies CAL FIRE
71	898; 916.9(b)	Cumulative Impacts	Science Basis; Consistency with other agency policies and laws	Is there adequate guidance for watershed- wide analysis in the T/I rules or the FPRs in general. (Ref: L15-11))	TAC Agencies CAL FIRE
72	898	Cumulative Impacts	Consistency with other agency policies and laws	Where waters are 303(d)-listed, the FPRs currently require that a RPF assess the degree to which a proposed timber operation could impact any portion of a water body that is located within or downstream of the proposed timber operation, and propose appropriate mitigation measures (14 CCR 898). Should this same provision apply where fish are ESA-listed? .(Ref: L16-5)	Agencies CAL FIRE
(Group # 4 Operational Requirements, 914.8, 916.9 (c)–(z), 923.3, 923.9) cz 7/18/2008					
Key question number	FPR Rule Sec.	General subject	Review Issues	Key Questions	Assigned Review Group
73	916.9 (c)	Logging Operations	Clarity on special operation zones	Should a separate subsection be made (for clarity) for the second paragraph related to SOZs? Should amendments be made to the special operating zone paragraph clarifying that the SOZ applies only to evenage regeneration methods and rehabilitation adjacent to Class I WLPZs and not to Class II watercourses? (REF L 6-16)	Agencies CAL FIRE
74	936.9(c)	Intent	Clarify intent	This is an intent section and should be binned with other intent sections or should be removed in its entirety. The term “significant objective ” is vague and the code section has been cited by review- persons to basically mean that values associated with anadromous fisheries override the benefits of timber harvest. Also if is difficult to prove that the intent of this section is being met and causes unnecessary debate. For example, how does one prove that a complete no-cut 150’ buffer is not required to restore beneficial uses of water (just one example). Should this intent be clarified or deleted?. What is the legal, policy, or science basis for your perspective? (Ref: L9-7).	Agencies CAL FIRE

Key question number	FPR Rule Sec.	General subject	Review Issues	Key Questions	Assigned Review Group
75	916.9 (c)	Logging Operations	Necessity of special operating zone	Is the special operating zone (essentially a buffer on the initial buffer) necessary and what does the scientific literature review say about this? (ref L12-5)	TAC Agencies CAL FIRE
76	916.9 (c), (e), (f) and (g)	Logging Operations	Necessity of WLPZ width and canopy for microclimates	Is expansion of WLPZ distances or increases in canopy retention necessary to maintain suitable microclimatic conditions in streamside zones. (Ref L7-8)	TAC Agencies CAL FIRE
77	916.9 (d) 916.9 (h)(1)	Logging Operations	Necessity for plan text describing intended protection measures	Since these sections require the addition of text to harvest plans without directly providing any protection to listed anadromous salmonids, are they necessary? (Ref 12-6)	Agencies CAL FIRE
78	936.9(e)(1)(E)	Logging Operations	Misinterpreted restrictions on harvesting in Class IIIs	This rule is misinterpreted by many agencies to mean that there can be no channel zone harvesting within class IIIs or that the RPF has to go through additional measures to explain why channel zone harvest in these IIIs will not impact fish. Should this subsection be modified to clarify that the rule gives the RPF an expressed exception to allow harvest of class III channel zone trees, within the rule of reason, without further detail provided in the THP as follows: "In class III watercourses. Such harvest is allowed unless additional measures are necessary to protect listed salmonids." ? (Ref L9-1)	Agencies CAL FIRE
79	916.9 (f)	Logging Operations	Class I WLPZ standards	Should the blanket 150-foot width apply to all Class I watercourses or only apply to watercourses with listed anadromous salmonids with the standard rules being applied to the other Class I watercourses? (Ref L12-7)	TAC Agencies CAL FIRE
80	916.9 (g)	Logging Operations Plan Implementation	Enforcement of canopy retention	The canopy retention requirements ignore site-specific sources of shade, including steep topography relative to sun angle and understory canopy over the ground. The CDF enforcement protocol for this rule focuses on overhead canopy measurements instead of Angular Canopy Density (ACD) or Solar Pathfinder (weighted ACD) measurements. In situations where any natural openings exist along the riparian corridor, the excessive overstory canopy retention requirements often force the RPF to forego thinning of dense redwood groves. are there alternate means of measuring canopy retention that ensure adequate shade retention requirement? What is the legal, policy, or science basis for your perspective? (Ref L4-5).	TAC Agencies CAL FIRE
81	916.9 (g)	Logging Operations	WLPZ harvesting for regeneration or species diversity	While the rules allow for harvesting of hardwoods for the purpose of enabling conifer regeneration, hardwood usually are not allowed to be felled due to the stringent overstory canopy retention requirements. This results in unsuccessful regeneration and narrows the range of vegetative species composition. Should a wider range of harvesting practices be permitted that contribute to regeneration or a wider diversity of vegetative species? What is the legal, policy, or science basis for your perspective? (ref L4-8)	TAC Agencies CAL FIRE

Key question number	FPR Rule Sec.	General subject	Review Issues	Key Questions	Assigned Review Group
82	916.9 (f) 916.9 (g)	Logging operations	Class I WLPZs width/canopy concurrence with DFG	Should the requirements for DFG concurrence in establishing alternative minimum WLPZ widths and canopy closures for Class 1 watercourses (in the Sacramento and San Joaquin Valley river drainages) be deleted as it provides de facto veto for DFG? (ref L5-4, L5-5)	DFG CAL FIRE
83	916.9 (g)	Logging Operations	Canopy standards contribute to loss of species richness	Is the 85% canopy closure on Class I watercourses in all locations leading to the simplification of streamside habitats, restrictions on wildlife access to surface water, homogenization of streamside habitats and causing an adverse biological impact on other non salmonid species such as a reduction in bat species richness? .What is the legal, policy, or science basis for your perspective? (Ref: L3-5, L3-6, L3-7, 4-7)	TAC Agencies CAL FIRE
84	916.9 (g)	Plan Preparation Logging Operations	Economic impacts from T/I rules	Additional time spent on plan preparation and added expense of operations, compounded with the curtailment of manageable volume in the WLPZ has resulted in a high cost of business. What are the identified opportunities for reducing permitting/plan preparation costs, recovering forgone revenues due to prohibitions from harvesting in WLPZs, and reducing operational costs? (Ref L4-2).	Agencies CAL FIRE
85	916.9 (g)	Plan Preparation Logging Operations	Economic impacts Site specific prescriptions	Are there any opportunities to allow harvesting/operational flexibility, designed on a site specific basis, instead of the rigid prescriptions for the Class I watercourse canopy retention requirements? (Ref L4-4).	Agencies CAL FIRE
86	936.9 (g):	Logging Operations	Necessity for canopy requirements	Should canopy requirements in this section be the same as shown those in the table for 14-CCR 936.5 unless temperature can be shown to be a limiting factor for the stream in question? (Ref L11-3, L12-8)	TAC Agencies CAL FIRE
87	916.9 (i)	Logging Operations	Retention of large woody debris	Because canopy retention itself does not always result in retention or recruitment of late and diverse seral stage habitat components for wildlife, are modifications needed to better meet the intent of 897(b) (1) (C)? Is 916.9 (i) adequate to ensure the retention of large old trees through senescence and mortality? (ref L7-11)	TAC Agencies CAL FIRE
88	936.9(c) & (i)	Logging Operations	Necessity for LWD standards	Should requirements for LWD be included <u>only</u> if a lack of LWD can be shown to be a limiting factor for the stream in question? (Ref L11-2)	Agencies CAL FIRE
89	936.9(c) & (i)	Logging Operations	Adequacy of large woody debris in class II WLPZs	In general are the LWD requirements in the T/I rules consistent with information from the literature review? Specifically, do T/I rules adequately provide for recruitment of large woody debris in class 2 WLPZ? (Ref L7-10, L12-8)	TAC Agencies CAL FIRE
90	916.9(k)	Logging Operations	Arbitrary winter ops period	Should the winter operating dates be removed from the FPR as arbitrary dates are meaningless, and limitations be driven by ground conditions? (ref L9-3).	Agencies CAL FIRE
91	916.9 (k) (3)	Logging	Rule text consistency for Stable Ops Surface definition	Should a portion of the definition "stable operating surface" related to need to minimize and discharge be added to this section? The purpose of this change is to removed from definitions descriptions of desired outcomes of operational practices. (Ref L6-17)	Agencies CAL FIRE

Key question number	FPR Rule Sec.	General subject	Review Issues	Key Questions	Assigned Review Group
92	936.9(l) 936.9(k)	Logging Operations	Redundant and unclear Winter Ops period	Is this rule redundant to 936.9(k) which already requires a complete winter operating plan for ops after Oct 15? Also, should 916.9(k)(2) delete or define the undefined term (low antecedent soil wetness)? (Ref L9-4, 12-11)	Agencies CAL FIRE
93	936.9(l) 936.9(k)	Logging Operations	Adequacy of Winter Operations rules	Do T/I regulations for winter operations and wet weather road and skid trail planning provide adequate protections to beneficial uses of water? (Ref 15-8)	TAC Agencies CAL FIRE
94	916.9 (n)	Logging/Soil Stabilization	Consistency of soil stabilization treatment dates	Should the dates in this section be modify so that they are consistent with other rule requirements? (The dates under (1)(B) and (C) would be changed from May 1 through October 15 to May 1 to October 15; October 16 through April 30 to October 15 to May 1.) (Ref 6-19)	Agencies CAL FIRE
95	916.9 (n)(3)	Logging/Soil Stabilization	Standards for slash stabilization coverage	Should this section be modified to adjust the stabilization coverage where slash is used to 75% from 90% under the specified practice follows: "Where slash mulch is used, the minimum coverage slash coverage shall be 90%, or 75% where the slash is packed into the ground surface through use of a tractor or equivalent piece of heavy equipment."? (Ref L6-19)	Agencies CAL FIRE
96	936.9(n)(3)	Logging Operations Soil Stabilization	Depth of slash for soil stabilization	Should a reference be added to this section to specify that the "depth [of slash] shall be sufficient to protect against significant discharge." ? This is needed because it is common for reviewing agencies to request a minimum depth of slash or mulch and a depth is an arbitrary number because slash size is variable. Also, a depth is not required by the rules leading to underground regulation. (ref L9-4).	Agencies CAL FIRE
97	916.9 (n)(2)	Logging Operations	Rule organization of soil stabilization for roads	Should subsection (n)(2) be in the roads section of the forest practice rules? (Ref L12-12).	Agencies CAL FIRE
98	916.9 (n)(3) (D)	Logging Operations	Situations where soil stabilization is required	Does treatments required under subsection (n)(3)(D) apply to both naturally disturbed areas or man-made disturbances? (Ref L12-13)	Agencies CAL FIRE
99	916.9 (o)	Erosion control plan	Greater specificity for erosion site evaluation and remedies	Should subsection be revised to limit erosion site evaluation and remediation to active erosion sites associated with "logging roads and landings in the logging area" (currently requires" sites on logging area")? (Ref L6-20)	Agencies CAL FIRE
100	916.9 (s) 919.6 (t)	Logging Operations	Allow salvage harvesting	Generally salvage harvesting under exemptions or emergency notices in the WLPZ's is prohibited. Is there any level (% of salvage material removed), type (insect salvaging, fire salvaging,) or methods (helicopter logging, mechanized equipment, end lining) etc) of salvage harvesting that is appropriate for T/I watersheds? Should salvage harvesting under exemption be allowed with requirements similar to the language in 14 CCR 916[936, 956].9 (t)(7)? What is the legal, policy, or science basis for your perspective? (Ref: L2-1, L12-15))	TAC Agencies CAL FIRE

Key question number	FPR Rule Sec.	General subject	Review Issues	Key Questions	Assigned Review Group
101	916.9(s)	Logging Operations	Allow defensible space harvesting using an exemption	Prohibitions on all operations in a WLPZ, ELZ, or EEZ under emergency or exemption notices prevents removal a tree in proximity to a watercourse under a local permit or fire safe exemption. Although probably intended to prevent excessive tree removal next to high order watercourses, this regulation creates a regulatory roadblock for many benign and frequently necessary tree removals next to low-order watercourses. Should defensible space harvesting be permitted in WLPZs under the T/I rules? What is the legal, policy, or science basis for your perspective? (Ref: L4-11)	Agencies CAL FIRE
102	916.9 (s)	Logging Operations	Exemptions	Do harvest plan exemptions permitted through the T/I rules provide adequate protection for beneficial uses of water including listed salmonids? (Ref 15-10)	Agencies CAL FIRE
103	916.9 (v), (w), and (x)	In-lieus practices	Avoid reduction in WLPZs size due to in-lieu practices	Should any reductions in WLPZ area due to in-lieu practices be compensated for by adjustments to WLPZ area such that the area of the WLPZ is not reduced overall? (Ref L7-7)	TAC Agencies CAL FIRE
104	916.9 (u-w) 919.9 (l)	In-lieu practices	Appropriate use of In-lieus	Are the use of alternatives and other in-lieu practices/measures as outlined in the T/I rules being appropriately considered and implemented? (Ref L8-3) (Section).	Agencies CAL FIRE
105	936.9 (u)	Logging Operations	Unnecessary restrictions on salvage harvesting	Should this section be removed in its entirety because dead trees provide no canopy, therefore, not effectively shade a watercourse protecting against thermal impacts, and recruitment of LWD is already detailed under 936.9(i) which provides minimum recruitment amounts? (Ref L9-)	TAC Agencies CAL FIRE
106	916.9 (v) 916 [936, 956].6(a)(1)(D)(cc)	Logging Operations	Requirements for alternatives	The last half of this subsection brings in other forest practice rules such as 14 CCR 916 [936, 956].6(a)(1)(D)(cc) which requires an “equal or greater protection” standard to alternative protection measures. This is inconsistent with subsection (v) of 14 CCR 916[936, 956].9 which is appropriately focused achieving the goals of 916[936, 956].9(a). Should 916 [936, 956].6(a)(1)(D)(cc) be amended to make it consistent with 14 CCR 916[936, 956].9(v)?(Ref L12-16)	Agencies CAL FIRE
107	916.9 (w)	Logging Operations	Requirements for alternatives	Since the first sentence of this language is very similar to 14 CCR 916[936, 956].9(v)and 897(h), should it be deleted since it is duplicative to existing regulation? (Ref 12-17)	Agencies CAL FIRE
108	no specific sections	Logging Operations	Protection of biological debris and multi-story and late seral-conditions	Do the T/I rules adequately ensure the protection of biological habitat debris, multistory stands and late seral conditions and should they be improved? (Ref 7-9).	TAC Agencies CAL FIRE
109	no specific sections	Logging Operations	Additional protection of Class IIIs	The current T/I rules contain no additional protection measures for Class III watercourses, yet these are the most prevalent watercourse type on the landscape, and a watercourse capable of transporting sediment to higher order streams with beneficial uses that support anadromous species. Are non-fishbearing perennial/ephemeral streams that carry water during winter adequately protected through the T/I rules? What is the legal, policy, or science basis for your	TAC Agencies CAL FIRE

				perspective?(ref15-6, L17-6)	
Key question number	FPR Rule Sec.	General subject	Review Issues	Key Questions	Assigned Review Group
110	no specific sections	Logging Operations Roads	Protection for unstable areas	Do T/I regulations for unstable areas (except for inner gorges) provide adequate protection for to beneficial uses of water including listed salmonids? (Ref 15-8)	TAC Agencies CAL FIRE
111	no specific sections	Logging Operations Roads	More focus on landforms and processes that are inherently sources of significant sediment pulses	Is their too great of a reliance on using riparian zones as a primary means for buffering aquatic habitat for anadromous salmonids from effects of timber operations and not enough recognition of landforms and processes that are inherently sources of significant sediment pulses (e.g. debris flows) that can overwhelm watercourse and lake buffering capability and produce valley-bottom deposits that continue to leak into the stream for many decades?. Should T/I rules incorporate how to better manage forest land where these landforms and processes are present? (Ref 16-8).	TAC Agencies CAL FIRE
ROADS					
112	914.8 916.9 (c) 923.3(g)	Road	Standards for fish passage for watercrossings	Should these rules be amended to eliminate the fish passage requirements at crossing locations where upstream movement is not possible in the natural channel? Fish passage should also be limited to crossings on watercourses with listed fish. For example, high mountain lakes are often stocked with fish species and those fish are able to move downstream through steep watercourse gradients but not back upstream. In that case, a crossing installed on such a watercourse should not have to provide fish passage upstream since it is not possible in the natural channel. (Ref 12-2, 12-19, 12-23)	Agencies CAL FIRE
113	916.9 (l)	Roads	Clarity of road activity during winter periods	Should paragraph be separated for clarity into their own subsection to reflect "road construction/reconstruction" separate from "road use"? Should the second sentence of the rule be modified to change the standard triggering cessation of use as follows: "operating surface does not exist, or when soil erosion and sediment transport is not minimized and the discharge of sediment into watercourses and lakes in quantities deleterious to the beneficial uses of water is not prevented or violates applicable water quality requirements"? Ref (L6-18)	Agencies CAL FIRE
114	916.9 (h)(2) 923.3 (c)	Roads Watercrossings	Culvert removal and DFG fees	A common practice is for reviewing agencies to cite these rules, require culvert removal and then require a 1611 permit fee from the landowner for a project that has been required by the state. Is this situation in any way biased towards revenue generation for DFG who requires the permit and fee? (Ref L9-2)	Agencies CAL FIRE

115	916.9(h)(2) 923.3 (c)	Roads Watercourse crossings	Unnecessary culvert removal	These rules are often cited for recommending removal of culverts that prevent fish passage even though neither of these rules clearly state that this needs to be done. Should the subsections be modified to clearly state "Where existing culverts prevent passage of all life stages of fish they shall be modified to allow said passage of fish, or the culvert shall be removed.", for purposes of minimizing recommendations for routine removal of culverts? (Ref L9-2)	Agencies CAL FIRE
Key question number	FPR Rule Sec.	General subject	Review Issues	Key Questions	Assigned Review Group
116	923.3	Watercourse crossings	Duplicate FPR/DFG code	Is a DFG exemption to FPR Sec. 923.3, Watercourse Crossing, provided through section 1601 and 1603 of Fish and Game Code? If 923.3 is duplicate to these DFG codes, should this section be repealed? (Ref L5-6).	DFG CAL FIRE
117	923.3	Watercourse crossings	Timely incorporation of DFG input	Are DF&G's 1601/1603 requirements being timely incorporated into THPs per Section 923.3? (Ref L8-6)	Agencies CAL FIRE
118	923.3 (f)	Roads	Need greater emphasis on rolling dips	Should the T/I rules should place a greater emphasis on well-constructed rolling dips ("Critical Dips") or grade breaks to prevent potential for stream diversions.? For example, §§ 923.3,943.3,963.3 (f) Watercourse Crossings could read as follows: "Permanent watercourse crossings and associated fills and approaches shall be constructed and maintained to prevent diversion of stream overflow down the road and to minimize fill erosion should the drainage structure become obstructed. Where the potential for diversion at a watercourse crossing exists, a rolling dip or grade break shall be constructed to prevent diversion. The RPF may propose an exception. . . standard rule." Should requirement for dips or grade breaks to prevent diversions be codified to improve enforceability of this practice? (ref L13-1, L13-3)	TAC Agencies CAL FIRE
119	923.3 (g)	Roads	Duplicative fish passage language	Is this language largely duplicative to subsection 923.3(c) and be deleted? (Ref 12-20).	Agencies CAL FIRE
120	923.9	Roads	Adequate compliance with road construction standards	Is there adequate compliance with the requirements for road and landing construction and use in 923.9? (Ref L8-7).	Agencies CAL FIRE
121	923.9; 916.9 (n) and (o)	Roads	Improvement to sediment delivery from roads	What are the needed improvements or the forest practice rules to manage delivery of road generated sediment to aquatic habitat? (Ref L7-2)	TAC Agencies CAL FIRE
122	923.9 (a), (b), (c) (1)	Roads	Plan text describing intended protection measures	Since these sections simply requires the addition of text to harvest plans without directly providing any protection to listed anadromous salmonids, are they necessary? (Ref 12-21,12-22, 12-23).	Agencies CAL FIRE
123	923.9 (c)	Roads	Treatment of side cast material on steep slopes	Should the lead-in phrase of this section be modified such that full bench road construction proposed to cross steep slopes for short distances not have to removed side cast material off-site when potential access of side cast to a watercourse is mitigated by a wide bench acting as retention feature to store excess construction materials should failure occur? (Ref 6-22)	Agencies CAL FIRE

124	923.9 (e)	Roads	Situations where special drainage structure design is required	Should modifications to this subsection be made to limit the situations where special drainage structure design is required to only those situations in the exiting rules? Should this section be modified to allow special drainage design and analysis to be done during the THP review and approval process instead of required at the time of plan submission for all such sites?. (Ref 6-23)	Agencies CAL FIRE
Key question number	FPR Rule Sec.	General subject	Review Issues	Key Questions	Assigned Review Group
125	no specific sections	Roads	Avoid use of unreliable waterbars	Have THP relied too greatly on the use of waterbars to divert water from streams? Instead of using permanent well-constructed dips or grade breaks, foresters have relied too often on the use of standard waterbars. Waterbars are temporary structures and their effectiveness to prevent stream diversions relies on routine road maintenance. Maintenance periods for all roads are short-lived relative to the long-term potential impacts of roads. Waterbars are insufficient and are not a substitute for permanent, well-constructed dips or grade breaks, which if properly constructed, should require little or no maintenance. (ref L13-2)	TAC Agencies CAL FIRE
126	no specific sections	Roads	Road planning and construction practices	Do T/I regulations for road planning, construction, maintenance, and decommissioning provide adequate protection for to beneficial uses of water including listed salmonids? (Ref 15-8).	TAC Agencies CAL FIRE
127	no specific sections	Roads	Sediment inputs from roads	Do T/I adequately address loss of riparian function and chronic sediment inputs from streamside roads? (Ref 15-8)	TAC Agencies CAL FIRE
Water Drafting					
128	916.9 (r)	Water drafting	Limit water drafting plan to Class 1 watercourses only	Should the requirement for a water drafting plan for the Coast Region be keyed to Class I waters only since in effect, a drafting plan is required by default on any of our Class IIs, springs, & wet areas where certain conditions (minimum flow etc) are not met ? (ref L6-21)	Agencies CAL FIRE
129	916.9 (r) (2)	Water drafting	Improve water drafting plans	Due to problems regarding the quality of field assessment for water drafting, should the rules a) require the preparation of water drafting plans for all drafting activity and b) require water drafting plans to demonstrate that drafting shall be conducted in manner that provides sufficient bypass flows to keep fish in good condition?. (Ref L7-6)	Agencies CAL FIRE
130	916.9 (r)(2) (D)4	Water drafting	Limit water drafting plan to class 1 watercourses only	What is the necessity to require an operations log for water drafting? (Ref L12-14)	Agencies CAL FIRE

end